

ed the collection and application of the one shilling per hogshead, destined to the public service, as it settled that sum as "an annual revenue upon their majesty's governor within the province for the time being." In 1704 a new act was passed, settling the said sum of one shilling as before upon the governor for his support, and that of the government, and admitting the right of the proprietary to the other shilling during his life, upon condition of his receiving the rents and fines in tobacco, according to the original stipulation, but holding him responsible for the arrears of the other moiety of the whole duty, which the assembly, in the acrimonious language of that day, stated to have been misapplied and converted to his own use. In the mean time lord Baltimore's officers met with many obstructions in the collection as well of his rents and alienation fines as of the duty of one shilling per hogshead, which he had always claimed as a matter of private contract between him and his tenants, sanctioned by law, to indemnify him for the loss he might sustain in his rents, &c. by receiving tobacco instead of sterling money; and the repeated orders of the crown, founded upon the complaints of his officers, and the counter-representations of the assembly, were scarcely sufficient to secure him in the exercise of his rights. He continued however to be entitled to the one shilling duty during his (*b*) life, as, being a private right, it was saved from the effect of any general repealing law. Upon his decease, in 1715, acts were passed confirming, first, to his successors the duty of one shilling for a limited time, and afterwards granting the new proprietary eighteen pence sterling per hogshead on condition of his receiving the quit rents and alienation fines in tobacco as before. It is here that the legislative proceedings became too complicated to be unravelled by so hasty an investigation as I have been enabled to give them. The proprietary, Benedict Leonard, died, as it would seem, without giving his assent to the acts in his favour, and great difficulties arose in the settlement of this matter with his successor. These concerned in some degree the gauge and tare of tobacco hogsheads, and other regulations respecting the staple itself, which were calculated to affect the product of the duty, as well as of a tonnage duty in which the proprietary had also an interest. Equivalents in money were proposed for the rents and fines, and rejected. It appears however that by successive acts from 1716 to 1730, all having for their principal object

(*b*) His son Cecilius, (or, as the records call him, Cecill,) for whose life, also, the duty had been continued, died at an early age, I believe in Maryland, as it appears that he was in the country, and was left as nominal governor, upon occasion of his father's first absence from the province, in 1676, Jesse Wharton, Esq. being appointed deputy (or rather acting) governor on the same occasion.